

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CLYDE SCOTT, §
§
Plaintiff, §
§
v. §
§
CAPITAL SECURITY, LTD., §
CENTRAL OHIO INSURANCE §
SERVICES, INC., INSURANCE §
OFFICE OF AMERICA, INC., §
MOTORSPORT INSURANCE GROUP, §
and WILLIAM R. LUTZ, §
§
Defendants. §
§

CASE NO. 6:18-CV-260-RWS-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On August 08, 2018, the Magistrate Judge issued his Report and Recommendation (“Report”) (Docket No. 12), recommending that Plaintiff’s Motion to Remand (Docket No. 8) be granted, and that this action be remanded to the 294th Judicial District in the District Court of Van Zandt County. Defendant Central Ohio Insurance Services, Inc. has filed a Notice indicating its acceptance of the Report and Recommendation. (Docket No. 13.)

No objections to the Report have been presented for consideration within the prescribed time period for such objections. The Court agrees with the Magistrate Judge’s finding that Defendant Insurance Office of America, Inc. failed to meet the procedural requirements for

removal under 28 U.S.C § 1446(b)(2)(A), but that it did not lack an objectively reasonable basis for seeking removal such that an award of attorney's fees is warranted.

Accordingly, the Court **ADOPTS** in its entirety the Report and Recommendation of the United States Magistrate Judge as the findings of this Court. It is hereby **ORDERED** that Plaintiff's Motion to Remand (Docket No. 8) is **GRANTED** with respect to remand, but **DENIED** with respect to Plaintiff recovering attorney's fees.

Pursuant to Local Rule 83, the Clerk of Court is directed to remand this action to the 294th Judicial District in the District Court of Van Zandt County, and to close this case after 21 days from the date of this order, if no timely motion for reconsideration has been filed.

SIGNED this 2nd day of October, 2018.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE